

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 03-CR-215

ANGEL LECHUGA-PONCE,

Defendant.

STATEMENT ON LIMITED REMAND

The defendant in this matter was convicted on his plea of guilty of illegal re-entry into the United States after deportation and sentenced under the United States Sentencing Guidelines to 70 months in the custody of the bureau of prisons. The defendant appealed his conviction and sentence to the Seventh Circuit, which remanded the case to this court for the limited purpose of having the court indicate whether it would have imposed the same sentence, had it known that the United States Sentencing Guidelines were merely advisory as held by the Supreme Court in *United States v. Booker*, 125 S. Ct. 738 (2005). See *United States v. Paladino*, 401 F.3d 471, 481-84 (7th Cir. 2005).

Having considered the positions of counsel, and having reviewed the presentence report and the sentencing hearing transcript, I conclude that I may indeed have sentenced the defendant differently had I known that the United States Sentencing Guidelines were advisory.

Dated this 16th day of June, 2005.

s/ William C. Griesbach

William C. Griesbach

United States District Judge